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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/997,137 | 11/28/2001 | Ming-Chih Chang | B-4394 619332-2 | 3414 |
| 36716 | 7590 | 11/17/2005 | EXAMINER | |
| LADAS & PARRY 5670 WILSHIRE BOULEVARD, SUITE 2100 LOS ANGELES, CA 90036-5679 | | | DIVECHA, KAMAL B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2151 | |
| DATE MAILED: 11/17/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/997,137

Applicant(s)

CHANG ET AL.

Examiner

KAMAL B. DIVECHA

Art Unit

2151

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 1-6 and 10-13.
Claim(s) withdrawn from consideration: 7-9.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
13. ☐ Other: _____.


JASON EARONE
SPE AU 2145

Continuation of 11. does NOT place the application in condition for allowance because: The arguments filed on 10/31/2005 after the final office action are not persuasive. Examiner is not required to respond to all of the arguments presented in the after final amendments, however examiner believes that response to some of this issues or arguments would result in expedition of the prosecution of this application.

Applicant wants to know where the "hard disk access command " is disclosed in Knox reference (applicant remarks, page 2 paragraph 2). As per applicant, "the hard disk access command" is defined as read, write or controlling command (specification, page 5 L21-33). Knox system discloses one or more diskless clients and a central server comprising a hard disk or a mass storage (fig. 2 item #24, 126, 30) and applicant admitted that Knox discloses a bootrequest command in the BOOTP protocol (col. 4 L30-43) or an RPL request code in the RPL protocol (col. 4 L9-17, applicant remarks filed 10/31/2005 page 2). BOOTP and RPL are commands to access the mass storage device or a hard disk of a server which will cause the server to transfer the operating system (residing on the mass storage of server) software to the diskless client (see Knox, col. 1 L28-35). Therefore based on the applicants definition of the "hard disk command" as stated above, one of ordinary skilled in the art would have easily noted that the RPL and BOOTP commands of Knox are and can be interpreted as both the controlling command and read command (which basically reads the operating system software of diskless client out of server), which are known as "hard disk access command" as per applicant's invention. Hence, Knox RPL request and BOOTP request are indeed hard disk access commands.

Secondly, the response filed on 7/15/2005 to the non-final action, applicant failed to argue that the Knox's RPL request and BOOTP request are not hard disk access commands, But actually admitted that "With reference to Knox, both the bootrequest command and RPL request code are commands for accessing the boot software image from a remote server (i.e. remote server has a hard disk, and boot software image has been accessed from the hard disk, therefore interpreted as a hard disk access command, examiner's interpretation). However, the remote server can only implement a read operation, not a write operation (see applicants remarks filed 7/15/2005, page 5 paragraph 6)". Applicant defines the "hard disk access command as read, write or controlling command in his specification (specification page 5 L21-33) and explicitly admits that Knox remote server only implements a read operation and not a write operation. Therefore applicant in a way did agreed and admitted that Knox does teach the hard disk access command (a read operation) but also argues that where is the hard disk access command disclosed in Knox, whereas applicant had already admitted that Knox does disclose a read operation in his remarks filed 7/15/2005.

For at least the reasons set forth above, the rejection is maintained.